

**SUPREME COURT MINUTES
THURSDAY, JANUARY 20, 2005
SAN FRANCISCO, CALIFORNIA**

S124157

HOGAN (MARCO L.) ON H.C.
Petition ordered withdrawn

pursuant to written request of petitioner

S127466

JACKSON (JOHN H.) ON H.C.
Petition ordered withdrawn

pursuant to written request of petitioner

S129376

F046383 Fifth Appellate District

TINDLE (GARY) ON H.C.
Time extended to grant or deny review

to February 18, 2005

S129397B178447 Second Appellate District,
Division Eight

KIZZEE (DELARIO) ON H.C.
Time extended to grant or deny review

to February 18, 2005

S129496D043514 Fourth Appellate District,
Division One

PEOPLE v. SANCHEZ
Time extended to grant or deny review

to March 25, 2005.

S129497

H026784 Sixth Appellate District

JORDAN (JAMES) ON H.C.
Time extended to grant or deny review

to February 25, 2005

S129502D041726 Fourth Appellate District,
Division One

PEOPLE v. VASQUEZ
Time extended to grant or deny review

to February 28, 2005.

S129557E034130 Fourth Appellate District,
E035365 Division Two

PEOPLE v. MURPHY
Time extended to grant or deny review

to February 25, 2005.

S129569

H026289 Sixth Appellate District

PEOPLE v. TRUJILLO

Time extended to grant or deny review

to February 25, 2005

S129576A100264 First Appellate District,
Division Three

PEOPLE v. GAINES

Time extended to grant or deny review

to March 2, 2005.

S129616B178591 Second Appellate District,
Division Five

CASTILLO (RAUL) ON H.C.

Time extended to grant or deny review

to and including March 3, 2005

S129646

C044283 Third Appellate District

PEOPLE v. SHUPE

Time extended to grant or deny review

to and including March 3, 2005

S035190

PEOPLE v. HOUSTON (ERIC C.)

Extension of time granted

to March 18, 2005 to file appellant's opening brief. After that date, only nine further extensions totaling about 525 additional days will be granted. Extension is granted based upon counsel David H. Schwartz's representation that he anticipates filing that brief by 9/1/2006.

S041008

PEOPLE v. HOYOS (JAIME A.)

Extension of time granted

to March 15, 2005 to file respondent's brief. Extension is granted based upon Deputy Attorney General Anthony DaSilva's representation that he anticipates filing that brief by 3/15/2005. After that date, no further extension will be granted.

S045060PEOPLE v. LOKER (KEITH T.)
Extension of time granted

to March 7, 2005 to file respondent's brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Holley A. Hoffman's representation that she anticipates filing that brief by 4/2005.

S046816PEOPLE v. THORNTON (MARK S.)
Extension of time granted

to March 21, 2005 to file appellant's reply brief. After that date, only one further extension totaling about 35 additional days will be granted. Extension is granted based upon counsel Paul J. Spiegelman's representation that he anticipates filing that brief by 4/27/2005.

S049741PEOPLE v. SUFF (WILLIAM L.)
Extension of time granted

to March 29, 2005 to file appellant's opening brief.

S055528PEOPLE v. BARNWELL (LAMAR)
Extension of time granted

to March 22, 2005 to file respondent's brief. After that date, only one further extension totaling about ten additional days is contemplated. Extension is granted based upon Deputy Attorney General Catherine Okawa Kohm's representation that she anticipates filing that brief by 3/31/2005.

S060500PEOPLE v. D'ARCY (JONATHAN D.)
Extension of time granted

to March 25, 2005 to file respondent's brief. After that date, only one further extension totaling about 30 additional days is

contemplated. Extension is granted based upon Deputy Attorney General Gary W. Brozio's representation that he anticipates filing that brief by 4/25/2005.

S065720

PEOPLE v. VINES (SEAN VENYETTE)

Extension of time granted

to February 18, 2005 to file appellant's opening brief. Extension is granted based upon counsel Gilbert Gaynor's representation that he anticipates filing that brief by 2/18/2005. After that date, no further extension will be granted.

S107508

VALDEZ (ALFREDO R.) ON H.C.

Extension of time granted

to February 15, 2005 to file the return to order to show cause to petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Carl N. Henry's representation that he anticipates filing that document by 3/15/2005.

S117112

MAJORS (JAMES D.) ON H.C.

Extension of time granted

to February 18, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Daniel B. Bernstein's representation that he anticipates filing that document by 3/18/2005.

S125755

RAMIREZ (RICHARD) ON H.C.

Extension of time granted

to February 22, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only eight

further extensions totaling about 250 additional days will be granted. Extension is granted based upon counsel Geraldine S. Russell's representation that she anticipates filing that document by 10/30/2005.

S127630

HUGGINS (MICHAEL JAMES) ON H.C.
Extension of time granted

to February 15, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Allan Yannow's representation that he anticipates filing that document by 3/14/2005.

S130351

B179779 Second Appellate District,
Division Two

GOVIN v. S. C. (PEOPLE)
Extension of time granted

Petitioner's time to serve and file the reply to petition for review is extended to and including January 24, 2005.

S128813

SCOTT ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ROBERT KINGSLEY SCOTT, State Bar No. 113605**, be suspended from the practice of law for one year and until he: (1) makes restitution to Greg Sullivan (or the Client Security Fund, if appropriate) in the amount of \$1,000.00 plus 10% interest per annum from March 1, 2004; (2) makes restitution to Eric Hsu (or the Client Security Fund, if appropriate) in the amount of \$5,000.00 plus 10% interest per annum from May 1, 2002; (3) pays the judgment of \$10,200.00 imposed against Eric Hsu in *Lee v. Hsu, et al.*, Case No. 02C00863; (4) pays \$13,883.68 to the City of Long Beach, as full payment of the sanctions imposed in *D.C. & H Two Inc.*, Case No. LA00-28647-KM; and (5) furnishes satisfactory proof

of said restitution or payment to the State Bar's Office of Probation, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. **Robert Kingsley Scott** is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed August 25, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

S128830**SELBY ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **MANTON LAWRENCE SELBY, II, State Bar No. 44350**, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed September 23, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2006, 2007 and 2008.

S128831

HEURLIN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN M. HEURLIN, State Bar No. 119899**, be suspended from the practice of law for five years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 16, 2004. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2006, 2007 and 2008. (Bus. & Prof. Code, § 6086.10.)

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128998

DAVIS ON DISCIPLINE

Recommended discipline imposed

It is ordered that **BRET JAY DAVIS, State Bar No. 159076**, be suspended from the practice of law for two years and until he

provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for one year and until he completes the restitution specified in the order approving stipulation filed on September 22, 2004. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in said order approving stipulation. If he is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S128999

DUGGAN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DEBORAH ANN DUGGAN, State Bar No. 113112**, be suspended from the practice of law for three years and until she complies with the requirements of standard 1.4(c)(ii), as set forth more fully below, that

execution of the suspension be stayed, and that she be placed on probation for three years on condition that she be actually suspended for 13 months and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct.

Deborah Ann Duggan is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 13, 2004. It is also ordered that **Deborah Ann Duggan** take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) **Deborah Ann Duggan** is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2006, 2007 and 2008. (Bus. & Prof. Code section 6086.10.)

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129001

BAMBO ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **GREGORY BAUTISTA BAMBO III, State Bar No. 169703**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. **Gregory Bautista Bambo, III** is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129002**BURNS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **STEPHEN L. BURNS, State Bar No. 113371**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that he be placed on probation for 18 months subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 29, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2006, 2007 and 2008. (Bus. & Prof. Code, § 6086.10.)

S129004**WHALLEY ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **LESTER WHALLEY, State Bar No. 54794**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129005**STEELE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **REGINA DELYNN STEELE, State Bar No. 141596**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 30 days and until he makes restitution to

Michael J. Brown (or the Client Security Fund, if appropriate) in the amount of \$1250 plus 10% interest per annum from June 19, 2003, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on September 22, 2004; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129719

PATTERSON ON DISCIPLINE

The resignation of **WILLIAM PATRICK PATTERSON** having been accepted in **S130678**, this proceeding is dismissed without prejudice to further proceedings should he hereafter seek reinstatement.

S130678**PATTERSON ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **WILLIAM PATRICK PATTERSON, State Bar No. 99088**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S130680**DEANE ON RESIGNATION**

The voluntary resignation of **NINA B. DEANE, State Bar No. 92067**, as a member of the State Bar of California is accepted.

S130681**CARLTON ON RESIGNATION**

The voluntary resignation of **KAREN KELLY CARLTON, State Bar No. 125602**, as a member of the State Bar of California is accepted.

S130683**BRODMAN ON RESIGNATION**

The voluntary resignation of **ROGER EARL BRODMAN, State Bar No. 104245**, as a member of the State Bar of California is accepted.

S130684**BOTTOMLY ON RESIGNATION**

The voluntary resignation of **LAILA GRABOWSKY BOTTOMLY, State Bar No. 112317**, as a member of the State Bar of California is accepted.

S030956

PEOPLE v. WILLIAM JAMES RAMOS
Order filed

Court's 150-day statement.

B178266 Second Appellate District

PEOPLE v. RAYMOND S.
The above-entitled matter, now pending in the
Court of Appeal, Second Appellate District, is
transferred from Division Two to Division
Eight.